

Chapter 2

ADMINISTRATION*

* **Cross References:** Elections, Ch. 8; personnel, Ch. 13.

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ARTICLE I.

IN GENERAL

Sec. 2-1. Use of city vehicles restricted.

Only city employees, officials, members of the city council, visitors on city business or other authorized persons shall be permitted to ride, operate or be in or on any vehicle or piece of motor-driven equipment owned or operated by the city, except in cases of emergency. Any employee or official of the city who violates or permits the violation of any of the provisions of this section shall be subject to dismissal.
(Code 1971, § 2-1)

Sec. 2-2. Job classification and salary of city manager.

The job classification and salary of the city manager shall be fixed by motion of the city council.
(Code 1971, § 2-2)

Cross References: Employee compensation plan, § 13-101 et seq.

Sec. 2-3. Bonds for city employees.

(a) The city manager shall obtain from a recognized surety company a public employees faithful performance bond to provide coverage on all employees except the city treasurer in the amount of at least fifty thousand dollars (\$50,000.00).

(b) The city manager shall be included as an employee in the public employees faithful performance bond. However, an endorsement shall be obtained increasing the limit of liability upon the position of city manager to at least one hundred thousand dollars (\$100,000.00).

(c) The city manager shall obtain bond for the city treasurer in the amount of at least one hundred thousand dollars (\$100,000.00) from a recognized surety company.
(Code 1971, §§ 2-45--2-47)

Charter References: Premium on official bonds to be paid by city, § 70.

Secs. 2-4--2-20. Reserved.

ARTICLE II.

FINANCIAL AFFAIRS*

* **Charter References:** Financial affairs, § 46 et seq.

Cross References: Cable television franchise fee, § 5-20; perpetual maintenance cemetery trust fund, § 6-19; licenses, permits and miscellaneous business regulations, Ch. 10; taxation, Ch. 19.

State Law References: Power of municipality to control its finances, Anno. Code of Md., Art. 23A, § 2(a)(11).

DIVISION 1.

GENERALLY

Sec. 2-21. City depositories.

The city manager shall designate from time to time one or more financial institutions in which the city treasurer shall deposit city funds. Only Maryland financial institutions meeting the requirements of the state for the deposit of municipal funds shall be designated. City funds not required to meet current obligations of the city may be invested in such manner as may be authorized by the state.
(Code 1971, § 8-1; Ord. No. 933, 1-24-83)

Sec. 2-22. Signatures on checks, vouchers and purchase orders.

(a) All checks, vouchers and purchase orders of the city shall be signed by both the city treasurer and the city manager, except as otherwise provided. If either office shall be vacant or the person holding such office shall be absent or incapacitated, the city council shall by resolution designate a substitute person to sign such checks, vouchers and purchase orders.

(b) Only one signature shall be required on checks drawn against the payroll account of the city for the purpose of paying salaries or wages. The signature appearing on payroll checks shall be that of either the person holding the position of city treasurer or the person holding the position of city manager.

(c) Upon the recommendation of the city manager, the city council may authorize the assistant city manager to sign checks, vouchers and purchase orders in the place of the city manager, subject to such regulations or restrictions as may be imposed either by the city manager or the city council.
(Code 1971, §§ 8-2, 8-3; Ord. No. 989, 6-10-86)

Sec. 2-23. Equipment replacement fund.

(a) An equipment replacement fund is hereby established for the purpose of receiving money annually appropriated for replacement of equipment previously in use. This fund shall be maintained as a separate account subject to internal accounting controls; and no disbursement shall be made therefrom, except for the purpose of replacing equipment which may be necessary, from budgetary appropriations for replacement purposes. Deposits shall be made in such fund so as to record the deposit of all replacement appropriations prior to the close of each fiscal year.

(b) The city manager and the city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations as authorized by the Charter of the city and to temporarily transfer such funds to another fund of the city as a short-term interfund loan pending the receipt of anticipated money in the fund to which the interfund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year and further provided that any fund receiving an interfund loan shall pay the equipment replacement fund interest for the term of the loan comparable to the interest which would be earned if the replacement fund moneys had been invested in interest-bearing notes, bonds or other obligations.
(Code 1971, § 8-5; Ord. No. 981, 2-24-86)

Sec. 2-24. Reserved.

Editors Note: Ord. No. 1068, adopted May 29, 1991, repealed former § 2-24, which pertained to the revenue sharing fund and derived from the 1971 Code, § 8-5.1; and Ord. No. 981, adopted Feb. 24, 1986.

Sec. 2-25. Capital projects fund.

(a) A capital projects fund is hereby established for the purpose of accounting for the cost of capital improvements to streets, parks, buildings, and other city facilities, and for the acquisition of land. Revenues of the fund shall be such funds as may be appropriated to this fund annually in the general fund and such other funds as may be designated to be received into this fund. The council shall appropriate from time to time from the unappropriated fund balance for capital improvement projects. Such appropriations shall not expire at the close of a fiscal year and shall continue in effect until such time as the project is completed, at which time any unexpended and unencumbered balance of funds shall be returned to the unappropriated fund balance.

(b) The city manager and the city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations as authorized by the Charter of the city and to temporarily transfer such funds to another fund of the city as a short-term interfund loan pending the receipt of anticipated money in the fund to which the interfund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year and further provided, that any fund receiving any interfund loan shall pay the capital projects fund interest for the term of the loan comparable to the interest which would be earned if the replacement fund moneys had been invested in interest-bearing notes, bonds or other obligations.

(Ord. No. 1009, 1-12-88)

Sec. 2-26. Unemployment compensation reserve fund.

(a) An unemployment compensation reserve fund is hereby established for the purpose of receiving money annually appropriated for the payment of unemployment compensation benefits for which the city may be liable. This fund shall be maintained as a separate account subject to internal accounting controls; and no disbursement shall be made therefrom except for the purpose of paying for unemployment compensation benefits, legal and other professional fees related to challenging claims and otherwise to administer the city's unemployment insurance program. Deposits shall be made in such fund so as to record the deposit of all unemployment compensation reserve appropriations prior to the close of each fiscal year.

(b) The city manager and city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations as authorized by the Charter of the city and to temporarily transfer such funds to another fund of the city as a short-term inter-fund loan pending the receipt of anticipated money in the fund to which the inter-fund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year and further provided that any fund receiving an inter-fund loan shall pay the unemployment compensation reserve fund interest for the term of the loan comparable to the interest which would be earned if the unemployment compensation reserve fund moneys had been invested in interest-bearing notes, bonds or other obligations.

(Code 1971, § 8-5.3; Ord. No. 981, 2-24-86)

Sec. 2-27. Procedure for levy and collection of special assessments.

Pursuant to the authority granted in section 64 of the city Charter, the following methods and procedures shall govern the levy and collection of special assessments for benefits conferred:

- (1) A proposal to install or provide a permanent or continuing benefit shall be made by ordinance.
- (2) The ordinance shall clearly set forth a description or nature of the special service or benefits, to be performed or undertaken by the city, which requires a special levy or assessment. A reference to a set of plans or specifications, officially approved by the city council, may serve as a proper reference or description of a special improvement.
- (3) The ordinance shall describe, in a readily identifiable manner, the property to be benefited and shall list the names and addresses of the owners.

- (4) The ordinance shall state the estimated total or periodic cost of the improvement or service.
- (5) The ordinance shall state the proposed basis, or levy and collection of the special assessment, such as proportionate front footage, ad valorem or other basis, and whether the assessment will be a fixed amount, payable in one or more periodic installments, as an annual or other periodic amount, payable as long as the service or benefit is provided.
- (6) The city council shall set a time and place for a public hearing to be held on such proposal, to determine whether such benefit shall be provided, and the basis for the levy and assessment for the cost of such benefit.
- (7) A copy of such proposed ordinance shall be mailed, by regular mail, to each owner of property proposed to be assessed, as such address appears upon the tax records of the city, not less than ten (10) days before the date of the hearing.
- (8) After such hearing, the city council may adopt the ordinance providing for the proposed benefits and making the levy and assessment for the cost of such benefit.
- (9) No separate board of revision or appraisal shall be created, but the city council shall perform such function.

(Code 1971, § 8-6; Ord. No. 937, 4-4-83)

Sec. 2-28. Temporary disability reserve fund.

(a) A temporary disability reserve fund be and hereby is established for the purpose of receiving funds for the payment of temporary disability benefits for which the city may be liable. This fund shall be maintained separately subject to internal accounting controls; and no disbursements shall be made therefrom except for the purpose of paying for temporary disability benefits, legal and other professional fees related to challenging claims, and administration of the city's temporary disability program as established and approved by the council.

(b) The city manager shall annually determine the unreserved balance of the temporary disability reserve fund. If the balance of reserves available for future benefits claims is less than fifty thousand dollars (\$50,000.00), the city manager shall budget within the general fund budget for appropriation by the city council sufficient funds for transfer to this fund to bring the reserves to a level equal of no less than fifty thousand dollars (\$50,000.00).

(c) The city manager is hereby authorized to transfer all unexpended funds appropriated in the general fund for salaries of employees receiving temporary disability benefits, with the exception of funds used for payments of accrued leave and benefits or for the employment of temporary substitute personnel, and such funds shall be transferred from the departmental budgetary accounts to the temporary disability reserve fund as interfund transfers.

(d) All payments for temporary disability benefits shall be made from the temporary disability reserve fund.

(e) The city manager and the city treasurer are authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations, as authorized by the Charter of the city; and to temporarily transfer such funds to another fund of the city as a short-term interfund loan, pending the receipt of anticipated money in the fund to which the interfund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year, and further provided that any fund receiving an interfund loan shall pay to the temporary disability reserve fund interest for the term of the loan comparable to the interest which would be earned if the fund moneys had been invested in interest-bearing notes, bonds or other obligations.
(Ord. No. 1042, 7-10-89; Ord. No. 1140, 8-14-95; Ord. No. 1208, 3-11-02)

Sec. 2-29. Special projects fund.

(a) A special projects fund is hereby established for the purpose of receiving federal, state, and local government and other private source grants that support specific one-time initiatives. This fund shall be maintained separately subject to internal accounting controls; and no disbursements shall be made from the special projects fund except for the purpose of paying expenses directly related to the funding source.

(b) Interest revenue earned by this fund shall be transferred to the general fund at the close of each fiscal year unless the funding source requires that all interest revenue derived from its grant be used toward funding the project that its grant monies support.

(c) All expenditures funded in the special projects fund shall be approved by the city council on a "project length" basis. A grant from a single source that funds several projects shall require city council approval for each project separately. Further, several grants obtained by the city may support a single project which shall require that city council approve the sole initiative only.

(d) The city manager and city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations, as authorized by the Charter of the city; and to temporarily transfer such funds to another fund of the city as a short-term interfund loan, pending the receipt of anticipated monies in the fund to which the interfund loan is made, provided that all such money lent to another fund shall be repaid prior to the close of each fiscal year, and further provided that any fund receiving an interfund loan shall pay to the special projects fund interest for the term of the loan comparable to the interest that would be earned if the fund monies had been invested in interest-bearing notes, bonds or other obligations.
(Ord. No. 1200, 6-11-01)

Sec. 2-30. Building Capital Reserve Fund.

(a) A building capital reserve fund is hereby established for the purpose of receiving money annually appropriated for the replacement of building systems, such as roofs and heating cooling systems, in city facilities. This fund shall be maintained as a separate account subject to internal accounting controls; and no disbursement shall be made therefrom, except for the purpose of replacing building systems that may be necessary from budgetary appropriations. Deposits shall be made in such fund so as to record the deposit of all appropriations prior to the close of each fiscal year.

(b) The city manager and city treasurer shall be authorized to invest funds not required to meet

current obligations in short-term interest-bearing notes, bonds or other obligations, as authorized by the Charter of the city; and to temporarily transfer such funds to another fund of the city as a short-term interfund loan, pending the receipt of anticipated monies in the fund to which the interfund loan is made, provided that all such money lent to another fund shall be repaid prior to the close of each fiscal year, and further provided that any fund receiving an interfund loan shall pay to the building capital reserve fund interest for the term of the loan comparable to the interest that would be earned if the fund monies had been invested in interest-bearing notes, bonds or other obligations.

(Ord. No. 1236, 6-30-03)

Secs. 2-31--2-35. Reserved.

DIVISION 2.

PURCHASING PROCEDURES*

* **Charter References:** Purchases, § 40.

Sec. 2-36. Purchasing office established; supervision of purchasing office.

There is hereby established a purchasing office within the administrative services of the city which shall be headed by the purchasing agent who shall be the city manager or a qualified employee appointed by the city manager. He shall perform all duties required by law and shall have the powers and duties prescribed by this division.

(Code 1971, § 8-15)

Charter References: Manager to control purchasing, § 40.

Sec. 2-37. Purchasing agent generally.

(a) The purchasing agent is authorized to purchase or contract for all supplies and contractual services needed by any using agency or department which derives its support wholly or in part from the city in accordance with purchasing procedures as prescribed by this division and such rules and regulations as the agent shall adopt for the internal management and operation of the purchasing office, and such other rules and regulations which are from time to time prescribed by the city council.

(b) In addition to any powers and duties prescribed by this article the purchasing agent shall:

- (1) Act to procure for the city the highest quality in supplies and contractual services at the lowest expense to the city;
- (2) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
- (3) Establish and amend, when necessary, all rules and regulations authorized by this article and any others necessary to its operation;
- (4) Keep informed of current developments in the field of purchasing, prices, market conditions, and

new products, and secure for the city the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;

- (5) Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this article;
- (6) Exploit the possibilities of buying "in bulk", so as to take full advantage of discounts;
- (7) Act so as to procure for the city all federal and state exemptions to which it is entitled;
- (8) Have the authority to declare vendors who default on their quotations, irresponsible bidders, and to disqualify them from receiving any business from the city for a stated period of time.

(Code 1971, §§ 8-16, 8-17)

Sec. 2-38. Competitive bidding.

(a) Any purchase of supplies or contractual services, when the estimated or known cost thereof exceeds ten thousand dollars (\$10,000.00) shall be authorized by the city council and such purchases shall be made after the taking of competitive bids unless the taking of bids is not required as otherwise provided in this division.

(b) Public notice of all required bidding shall be given in one issue of a newspaper having general circulation within the city, and such other newspapers or trade publications as may be considered appropriate for notifying a sufficient number of vendors to assure effective competition. Such public notice shall be published not less than twenty (20) days prior to the opening of bids. Copies of the notice shall be mailed to a list of qualified vendors prepared by the purchasing agent, which list shall include all responsible prospective suppliers who have requested their names to be placed on the list of bidders. Special attention shall be given to notifying vendors having offices or residing within the city or which have qualified with the federal government, state or county as a minority-owned business enterprise. The notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid specifications may be secured, and the time and place for opening bids. Copies of the bid notice shall be provided each member of the city council at the same time.

(c) The closing date and time for receiving bids shall be during normal business hours of the city or at the time of a meeting of the city council. Bids shall be identified as bids on the envelope. Bids shall be publicly opened by the purchasing agent or the agent's designee in a room suitable for accommodating persons who may wish to be present immediately following the closing of the time for the receiving of bids and shall be publicly read; provided, that no bids shall be opened unless there are at least two (2) competitive bids received. All bids received shall be tabulated and a copy of the tabulation shall be furnished each vendor.

(d) The purchasing agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due to the city.

(e) The purchasing agent or the city council shall have the right to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when such action

would be in the best interests of the city.

(f) For purchases or contract for which the taking of competitive bids is required, the purchasing agent shall furnish the council as soon as practical a tabulation of all bids, the purchasing agent's recommendation as to award of the bid and such other information as the city council may need or shall require. The city council shall award the purchase and authorize the purchasing agent to enter into contract with that bidder offering the best bid.

(g) In determining the best bid, the purchasing agent and the city council shall give consideration to the following:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (4) The quality of performance of previous contract or services;
- (5) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
- (8) The ability of the bidder to provide future maintenance and service of the items to be purchased, if required, and the convenience to the city of the location at which such maintenance or service will be performed;
- (9) The number of scope of conditions attached to the bid;
- (10) The estimated life cycle costs of the items to be purchased when it is possible to reasonably estimate such costs;
- (11) The cost of delivery of supplies or services to be purchased, or, if the city must obtain delivery of supplies or receive services at a place other than the premises of the city, the convenience of the location at which delivery or receipt is to be made;
- (12) Whether or not the bidder is a person or business located within the corporate limits of the City of Greenbelt or a minority-owned business enterprise that has submitted a bid which has been adjudged to be equal in all other respects to the bids received from bidders which are neither

minority-owned or located within the corporate limits of the city;

- (13) Such other information which, in the judgment of the city council, may have a bearing upon the determination as to which bidder has offered the best bid.

(h) When the purchasing agent recommends award to other than the lowest bidder, he shall have caused to be prepared for the city council a full and complete statement of the reasons for placing the order elsewhere.

(Code 1971, §§ 8-18--8-26; Ord. No. 964, 2-25-85; Ord. No. 1030, 3-9-89; Ord. No. 1122, 7-11-94; Ord. No. 1141, 9-11-95)

Sec. 2-39. Same--Exceptions to requirements.

Subject to the approval of the purchase by the city council, the requirements for the taking of competitive bids shall not be required if:

- (1) The council, by resolution, waives the requirement for the taking of competitive bids and authorizes a negotiated purchase or contract upon its determination that it is in the best interests of the city or that an emergency exists.
- (2) A competitive bid procedure is not feasible because the purchase is made from one of the following regulated companies:

The Potomac Electric Power Company

The Washington Gas Light Company

The Chesapeake and Potomac Telephone Company

- (3) A competitive bid procedure is not feasible because the purchase is made from the central stores or services of Prince George's County, the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, State of Maryland, or another governmental agency.
- (4) A competitive bid procedure is not feasible because the purchase is for the employment of a professional engineer, architect, attorney, medical practitioner or another professional service.
- (5) The purchase is to be made from a supplier to another governmental agency at such prices as are offered to that governmental agency if the prices for such items have been obtained as the result of a competitive bid procedure, or if the purchase is to be made based upon competitive bids solicited and received by another governmental agency or the Metropolitan Washington Council of Governments under a cooperative joint purchasing arrangement in which the city is a participant. The council is to be provided with information concerning the specifications of the items or services to be purchased and the bidding procedure that was followed. Upon the approval of the purchase by the council, the procedures for the taking of bids followed by the other governmental agency shall be considered to meet all city requirements for the taking of

bids.
(Code 1971, § 8-27; Ord. No. 964, 2-25-85)

Sec. 2-40. Open market procedures.

 All purchases of supplies, and contractual services, and all sales of personal property which have become obsolete and unusable, the estimated or known value of which is such that the approval of the city council is not required may be made in the open market upon the authorization of the purchasing agent, without newspaper advertisement. All open market purchases shall, whenever possible, be made from the supplier offering the best quotation and opportunity shall be given to all suppliers to furnish the city with product or service and price information and to be considered in the making of purchases.
(Code 1971, § 8-28; Ord. No. 964, 2-25-85)

Sec. 2-41. Purchase order forms and verification of funds for purchases over five hundred dollars.

 All purchases estimated to be in excess of five hundred dollars (\$500.00) shall be made by the purchasing agent on a written purchase order form. Prior to making any such purchase, the purchasing agent shall obtain from the finance department a verification of the availability of appropriated funds for the purchase and that funds have been encumbered for the amount of the estimated purchase.
(Code 1971, § 8-29; Ord. No. 1123, 7-11-94)

Sec. 2-42. Procedures for minor purchases.

 The city manager may establish by administrative regulation simplified procedures for the purchase by departments of supplies and services costing less than five hundred dollars (\$500.00). Such procedures may provide for the authorizing of such purchases to be made at the departmental level without prior approval of the purchasing agent. Whenever purchases are authorized at the departmental level, it shall be the responsibility of the authorizing individual to ascertain that the purchase made shall not exceed the balance remaining of an appropriation and that the purchase is made in the manner prescribed in Section 2-40.
(Code 1971, § 8-30; Ord. No. 1124, 7-11-94)

Sec. 2-43. Reserved.

Editors Note: Section 2-43, relative to surplus stock and derived from Code 1971, § 8-31, was repealed by Ord. No. 1030, adopted March 9, 1989.

Secs. 2-44--2-60. Reserved.

ARTICLE III.

DEPARTMENT OF PUBLIC SAFETY*

* **Charter References:** Department of public safety, § 61 et seq.
Cross References: Fire prevention and protection, Ch. 9; persons authorized to direct traffic, § 11-6.

DIVISION 1.

GENERALLY

Sec. 2-61. Director of public safety.

(a) The city manager shall serve as director of public safety.

(b) The director of public safety shall be head of the department of public safety and shall be in charge of preserving peace and good order, control and maintain fire protection and perform such other duties as may be prescribed by ordinance.

(Code 1971, §§ 2-3, 2-4)

Charter References: Duties of director, § 61.

Sec. 2-62. Functions generally.

The functions of the department of public safety shall be broken down into two (2) major phases, namely police protection and fire protection.

(Code 1971, § 2-5)

Sec. 2-63. Oath of office.

The director of public safety, the chief of police and all police officers, including full time, part time and special policemen, shall take and subscribe to the following oath or affirmation, to be made before the mayor or the mayor pro tempore in the absence or disability of the mayor:

"I _____ swear (or affirm) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of _____ according to the Constitution and laws of this State."

(Code 1971, § 2-7)

Secs. 2-64--2-75. Reserved.

DIVISION 2.

POLICE*

* **Charter References:** Police, § 62.

Cross References: Motor vehicles and traffic, Ch. 11; public safety offenses, Ch. 16.

Sec. 2-76. Duties generally.

It shall be the duty of all members of the police department to preserve the peace and good order of the city.

(Code 1971, § 2-6)

Sec. 2-77. Park patrol officers and police cadets.

All police cadets and all persons appointed by the city manager to perform the duty of park patrol shall have the authority to issue citations for violations of city parking regulations, to issue warnings relating to the violation of city ordinances and regulations; and to request the assistance of a regular police officer, when required, for the purpose of assuring the enforcement of all laws and maintaining good order and peace. (Code 1971, § 2-6A)

Secs. 2-78--2-85. Reserved.

DIVISION 3.

FIRE PROTECTION AND RESCUE WORK*

* **Cross References:** Designation of fire lanes, § 11-10.

Sec. 2-86. Responsibilities of volunteer department and rescue squad.

The Greenbelt Volunteer Fire Department and Rescue Squad, affiliated with the Prince George's County Volunteer Fire Department and Rescue Squad Association, is hereby designated the responsible fire-fighting, rescue and ambulance organizations for the city. (Code 1971, § 2-8)

Secs. 2-87--2-105. Reserved.

ARTICLE IV.

ETHICS*

* **Cross References:** Miscellaneous employee conduct rules, § 13-161 et seq.

State Law References: Maryland Public Ethics Law, Anno. Code of Md., Art. 40A; local governments required to enact conflict of interest provisions, Anno. Code of Md., Art. 40A, § 6-101; state conflict of interest provisions, Anno. Code of Md., Art. 40A, § 3-101 et seq.

Sec. 2-106. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Business entity* means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- (2) *Compensation* means any money or thing of value, regardless of form, received or to be received by any individual covered by this article from an employer for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the

time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

(3) *Doing business with* means:

- a. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of five thousand dollars (\$5,000.00) or more of city or city controlled funds; or
- b. Being regulated by or otherwise under the authority of the city; or
- c. Being registered as a lobbyist in accordance with Section 2-114.

(4) *Financial interest* means:

- a. Ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presently receiving, or in the future is entitled to receive, more than one thousand dollars (\$1,000.00) per year; or
- b. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity.

(5) *Gift* means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. The term "gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Sec. 26-1 et seq.; of the Annotated Code of Maryland; Article II, Chapter 8, of this Code; or any other provisions of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(6) *Interest* means any legal or equitable economic interest, whether or not subject to an encumbrance of a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Section 2-113 "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

- a. An interest held in the capacity of a personal agent, representative custodian, fiduciary, or trustee, unless the holder has an equitable interest therein;
- b. An interest in a time or demand deposit in a financial institution;
- c. An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or
- d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the

Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code of 1954.

(7) *Lobbying* means:

- a. Communicating in the presence of a city official or employee with the intent to influence any official action of that official or employee; or
- b. Engaging in activities having the express purpose of soliciting others to communicate with a city official or employee with the intent to influence that official or employee.

(8) *Official* and/or *employee* means any person elected to, appointed to, or employed by the city, whether or not paid in whole or in part with city funds. Members of citizens advisory boards who serve without pay shall not be considered city officials or employees for the purpose of this article, except in those sections which expressly apply to the members of advisory boards.

(Ord. No. 925, § 2-36, 2-22-82)

State Law References: Definitions applicable to Maryland Public Ethics Law, Anno. Code of Md., Art. 40A, § 1-201.

Sec. 2-107. Implementation and administration.

The responsibility for implementing and administering the provisions of this article shall be as follows:

- (1) The city council, by motion, at regular or special meetings, shall adopt such rules and regulations as may be necessary to carry out the provisions of this article. The city solicitor shall review and approve such rules and regulations as to form and compliance with the provisions of this article and the Maryland Public Ethics Law. Such rules and regulations shall be kept on file with the city clerk.
- (2) The city manager shall prepare and the city solicitor shall approve as to form any forms required by this article for reports, statements, or notices.
- (3) The city clerk shall receive all reports and documents required by this article and shall retain them as public records for at least four (4) years from the date of their receipt.
- (4) Any official or other person subject to the provisions of this article may request from the city solicitor an advisory opinion concerning the application of this article. The city solicitor shall respond promptly to these requests, providing interpretations of this article based upon the facts provided or reasonably available to him. Copies of these interpretations, with the identity of the subject deleted, shall be filed with the city clerk as public records.
- (5) Any person may file with the city clerk a complaint alleging a violation of any of the provisions of this article. These complaints shall be written and under oath. The city clerk shall refer such complaints to the city solicitor for investigation and review. If the city solicitor determines that a violation has not occurred or that there are insufficient facts upon which to base a determination of a violation, that finding shall be filed with the city clerk and the complainant shall be so advised. If the city solicitor shall determine that there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a

hearing conducted by the city council in accordance with established rules for the conduct of administrative proceedings. Any member of the council who is the subject of a complaint shall not participate in the hearing as a member of the council. Any formal determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the city council may take any enforcement action provided for in accordance with Section 2-118. After a complaint is filed and until a final determination by the city solicitor or the city council, all actions regarding a complaint shall be treated confidentially.

(Ord. No. 925, § 2-37, 2-22-82)

State Law References: Maryland Public Ethics Law, Anno. Code of Md., Art. 40A, § 1-101 et seq.

Sec. 2-108. Participation restriction.

Except as permitted by city council regulation or opinion, an official or employee shall not participate in:

- (1) Any matter if, to his knowledge, he, his spouse, or dependent child has an interest which would have a direct financial impact, as distinguished from the public generally, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter.
- (2) Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:
 - a. Any business entity in which he has a direct financial interest of which he may reasonably be expected to know;
 - b. Any business entity of which he is an officer, director, trustee, partner, or employee, or in which he knows any of the above-listed relatives has this interest;
 - c. Any business entity with which he or, to his knowledge, any of the relatives listed in paragraph (1) of this section is negotiating or has any arrangements concerning prospective employment;
 - d. Any business entity which is a party to an existing contract with the official or employee, or which the official or employee knows is a party to a contract with any of the above named relatives, if the contract could reasonably be expected to result in a conflict between the private interests of the official or employee and his official duties;
 - e. Any entity, doing business with the city, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if he may be reasonably expected to know of both direct financial interests; or
 - f. Any business entity which the official or employee knows is his creditor or obligee, or that of any of the relatives listed in paragraph (1) of this section, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official or employee or any of the above named relatives.

- (3) If a disqualification pursuant to paragraphs (1) or (2) of this subsection leaves any body with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

(Ord. No. 925, § 2-38(a), 2-22-82)

State Law References: Similar provisions, Anno. Code of Md., Art. 40A, § 3-101.

Sec. 2-109. Employment restrictions.

(a) Except as permitted by regulation of the city council, when such interest is disclosed or when this employment does not create a conflict of interest or appearance of conflict, an official or employee shall not be employed by any entity subject to his authority or that of the city, or any entity which is negotiating or has entered a contract with the city; or hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee. This prohibition does not apply to a member of the city council in regard to a financial interest or employment held at the time of election if not otherwise restricted by law, provided it is publicly disclosed; or an official or employee whose duties are ministerial.

(b) A former official or employee may not assist or represent another party other than the city, for compensation in a case, contract, or other specific matter involving the city, if that matter is one in which he significantly participated as an official or employee.

(c) An official or employee shall not assist or represent a party for contingent compensation in any matter before or involving the city, other than in a judicial or quasi-judicial proceeding, provided, however, that nothing herein shall preclude an official or employee from assisting or representing a party for contingent compensation in any matter before or involving entities where fees are established by law.

(Ord. No. 925, § 2-38(b), 2-22-82)

State Law References: Similar provisions, Anno. Code of Md., Art. 40A, § 3-103.

Sec. 2-110. Use of prestige of office.

An official or employee shall not intentionally use the prestige of his office for his own private gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an official's or employee's private gain or that of another.

(Ord. No. 925, § 2-38(c), 2-22-82)

State Law References: Similar provisions, Anno. Code of Md., Art. 40A, § 3-104.

Sec. 2-111. Solicitation or acceptance of gifts.

(a) An official or employee shall not solicit any gifts.

(b) An official or employee shall not knowingly accept any gift, directly or indirectly, from any person that he knows or has reason to know:

(1) Is doing business with the city council, as to members thereof, or, as to other officials or employees, with their office or agency; or

(2) Has financial interests that may be substantially and materially affected, in a manner

distinguishable from the public generally, by the performance or nonperformance of his official duty.

(c) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has reason to believe that it is designed to do so, subsection (b) does not apply to:

- (1) Meals and beverages;
- (2) Ceremonial gifts or awards which have insignificant value;
- (3) Unsolicited gifts of nominal value or trivial items of informational value;
- (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
- (5) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;
- (6) A specific gift or class of gifts which the city council exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the city, and that the gift is purely personal and private in nature;
- (7) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control;
- (8) Honoraria.

(Ord. No. 925, § 2-38(d), 2-22-82)

State Law References: Similar provisions, Anno. Code of Md., Art. 40A, § 3-106.

Sec. 2-112. Disclosure of confidential information.

Other than in the discharge of his official duties, an official or employee shall not disclose or use for his own economic benefit or that of another confidential information which he has acquired by reason of his public position and which is not available to the public.

(Ord. No. 925, § 2-38(e), 2-22-82)

State Law References: Similar provisions, Anno. Code of Md., Art. 40A, § 3-107.

Sec. 2-113. Financial disclosure.

(a) Each member of the city council, each candidate for the office of member of council, the city manager, and every other city official or employee shall file a statement with the city clerk, describing any

personal interest or employment which will present a potential conflict of interest upon an anticipated action being taken or which would require disqualification from participation pursuant to Section 60 of the charter or Sections 2-108 through 2-112. The statement of disclosure shall be made prior to the taking of an action in which a potential conflict exists or which would require disqualification, and as soon after the person becomes aware that an anticipated action will present a potential conflict with his personal interest or will require disqualification from participation as may be reasonably possible to prepare and file the statement.

(b) In addition to the requirements of subsection (a) of this section, on or before April 30 of each year, each member of the city council, the city manager, members of the advisory planning board and members of the board of appeals shall file with the city clerk a report disclosing his financial interests and those of his spouse and dependent children. The report shall include all information for the calendar year ending December 31 immediately preceding required herein. The report shall include the following information:

- (1) The name, address, and nature of any business, firm, corporation or association, the nature and extent of the interest held, and the names of such other persons who during the report year held an ownership interest in any of the above, in which there is owned, jointly or severally, more than three (3) percent of the invested capital or capital stock or in which the ownership interest is valued in excess of one thousand dollars (\$1,000.00), provided that the names of such other persons need not be disclosed when they number more than one hundred (100).
- (2) The location and description of any real estate in which there is a financial interest and the names of such other persons who may share or have shared during the report year ownership interest in the property, except as follows:
 - a. It shall not be required to report the names of persons sharing an ownership interest in the property if they number more than one hundred (100);
 - b. It shall not be required to report the real property holdings of any business, firm, corporation or association in which the person filing the report has an ownership interest, jointly or severally, which is either less than three (3) percent or ten thousand dollars (\$10,000.00) of the invested capital or capital stock;
 - c. It shall not be necessary to report the ownership interest in common property or facilities shared by all owners within a subdivision or a development project by means of owning one (1) or more units in the subdivision or project as may be the case in a condominium or cooperative project but only the ownership interest in and the names of other owners sharing an interest in the unit or units of property in which the primary interest exists.
- (3) The source, including name, address, and reason for payment of any income in excess of one thousand dollars (\$1,000.00), except income received from the city or from interest and dividends received from savings accounts in established financial institutions or interest received from bonds or other securities of a governmental jurisdiction.
- (4) The name and address of any person or firm from whom a loan in excess of one thousand dollars (\$1,000.00) has been obtained. It shall not be necessary to report a loan from a relative or an established financial or lending institution or a business which offers a revolving charge account

or credit plan for the installment purchase of goods and services.

- (5) A schedule of each gift in excess of fifty dollars (\$50.00) in value or a series of gifts totalling one hundred dollars (\$100.00) or more from any one person received at any time during the year for which the statement is filed by the person making the statement, or by any other person at the direction of the person making the statement, from, or on behalf of, directly or indirectly, any person who does business with the city, provided, however, that neither gifts received from the spouse, children, or parents of the person making the statement need be disclosed. This schedule, as to each such gift, shall include:

- a. The nature and value of the gift; and
- b. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(c) A supplemental report for the period beginning January 1 and ending June 30 shall be filed by each person required to file an annual report of financial disclosure who has any new or additional ownership interest in business and real estate, sources of income and debts incurred which were acquired or incurred on or after January 1 and were not reported on the report for the previous calendar year, but which will be required to be reported on the report for the current calendar year. The supplemental report, when required, shall be filed with the city clerk on or before July 31 of each year.

(d) Each candidate for election to the office of member of city council shall file with the city clerk, at or before the same time that person's acceptance of nomination is filed, a financial disclosure statement, if the required financial disclosure statement has not previously been filed. The city clerk shall not accept any acceptance of nomination unless a statement in proper form has been filed. No person shall be elected by the council to fill a vacancy until the person has filed with the city clerk a financial disclosure statement. The council shall require of each applicant for the position, if applications are sought, or if each person nominated, the filing of the financial disclosure statement at or before such time as the council may determine, but in any event before the election is held by the council. Any person appointed to the office of city manager shall file with the city clerk, at or before the time that person's written acceptance of appointment is filed, a financial disclosure statement, and no person is authorized to hold the office of city manager without first filing a financial disclosure statement. When a person first appointed to the advisory planning board or the board of appeals, and before participating in the deliberations of the board, shall file with the city clerk a financial disclosure statement, the financial disclosure statements required herein shall be for the preceding calendar year. If the report is filed after June 30 of a calendar year, a supplemental report of any new or additional financial interests for the first six (6) months of the year shall also be filed.

(e) Any city employee classified at or above salary grade 15 in the city position classification plan shall file an annual report of gifts received for the previous calendar year on or before April 30 of each year in the manner provided in (b)(5) of this section.

(Ord. No. 925, § 2-39, 2-22-82; Ord. No. 930, § I, 11-8-82; Ord. No. 932, 1-10-83; Ord. No. 992, 10-7-86; Ord. No. 1165, 3-9-98; Ord. No. 1210, 3-25-02)

State Law References: Local governments required to enact financial disclosure provisions, Anno. Code of Md., Art. 40A, § 6-201; state financial disclosure provisions, Anno. Code of Md., Art. 40A, § 4-101 et seq.

Sec. 2-114. Lobbying disclosure.

(a) Any person who personally appears before any city official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100.00) on food, entertainment or other gifts for such officials, shall file a registration statement with the city clerk not later than January 15 of the calendar year or within five (5) days after first making these appearances.

(b) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gifts provided to a city official or employee. When a gift or series of gifts to a single official or employee exceed seventy-five dollars (\$75.00) in value, the official or employee shall also be identified.

(Ord. No. 925, § 2-40, 2-22-82; Ord. No. 930, § II, 11-8-82)

State Law References: Local governments required to enact lobbying regulations, Anno. Code of Md., Art. 40A, § 6-301; state lobbying regulations, Anno. Code of Md., Art. 40A, § 5-101.

Sec. 2-115. Statements open to inspection.

All statements filed pursuant to this article shall be maintained by the city clerk and shall be made available by the city clerk, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fee and administrative procedures as may be established from time to time. The city clerk shall require that any person examining or copying such statements shall record his name, home address, and the name of the person whose disclosure statement was examined or copied.

(Ord. No. 925, § 2-41, 2-22-82)

Sec. 2-116. Reports to be filed under oath.

Each person who shall file a report as required under section 2-114 shall subscribe to an oath or reaffirmation before a notary public that the report to be filed is, to the best knowledge of the person filing the report, a complete and full disclosure of all financial interests which are required to be reported as prescribed herein.

(Ord. No. 925, § 2-42, 2-22-82; Ord. No. 1207, 2-11-02)

Sec. 2-117. Exemptions and modifications.

The city council may grant exemptions and modifications to the provisions of Sections 2-108 through 2-113 if it determines that application to those provisions would:

- (1) Constitute an unreasonable invasion of privacy;
- (2) Significantly reduce the availability of qualified persons for public service; and
- (3) Not be required to preserve the purposes of this article.

(Ord. No. 925, § 2-43, 2-22-82)

Sec. 2-118. Enforcement.

(a) Upon direction by the city council, the city solicitor may file a petition for injunctive or other relief in the circuit court for the county for the purpose of requiring compliance with the provisions of this article. The city solicitor may seek to have the court issue an order to cease and desist from the violation; and/or to void an official action taken by an official or employee with a conflict of interest prohibited by this article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action.

(b) Any person who knowingly and willfully violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both. If the person is a business entity and not a natural person, each official and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

(c) In addition to any other enforcement provisions in this article, a person who is subject to the provisions of this article and who is found by the city council or a court to have violated its provisions may be subject to termination or such other disciplinary action as may be warranted, or may be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the city council or a court.

(Ord. No. 925, § 2-41, 2-22-82; Ord. No. 927, 4-5-82)

Charter References: Penalty for ordinance violations, § 3(9).

State Law References: Penalty for ordinance violations, Anno. Code of Md., Art. 23A, § 3.

Secs. 2-119--2-130. Reserved.

ARTICLE V.

SURPLUS STOCK AND PROPERTY IN POLICE CUSTODY*

* **Editors Note:** Ord. No. 1030, adopted March 9, 1989, repealed Art. V and enacted a new Art. V to read as herein set forth. Former Art. V, §§ 2-131--2-138, pertained to unclaimed personal property, and was derived from Code 1971, §§ 19-1--19-3, 19-5--19-8; and Ord. No. 961, § 2, adopted Jan. 28, 1985.

DIVISION 1.

SURPLUS STOCK AND PERSONAL PROPERTY

Sec. 2-131. Disposal.

The purchasing agent shall have the authority to dispose of serviceable property and stock not required for use by the city by the taking of competitive bids, by the holding of a competitive spot bid sale, by the conducting of a competitive auction sale, or by trade-in or exchange for goods which are of current need. The purchasing agent may negotiate a sale, except that the sale of any item having a value in excess of five thousand

dollars (\$5,000.00) shall be approved by the city council. The purchasing agent may negotiate a sale when the above methods are not appropriate or have failed to produce a fair price or value. Nonserviceable property of no value may be disposed of in an appropriate manner. The proceeds of all items sold shall be paid to the general operating fund of the city, or in the replacement fund of the city if the property sold was an item of equipment for which a replacement account was established in that fund.
(Ord. No. 1030, 3-9-89)

Secs. 2-132--2-134. Reserved.

DIVISION 2.

PROPERTY IN POLICE CUSTODY

Sec. 2-135. Application of division.

(a) This division shall not be applicable to motor vehicles of whatever nature, to controlled dangerous substances as defined by state law, or to property acquired for use by the police department.

(b) The chief of police, or his designee, is authorized to extend the period of police custody of property:

(1) Until the completion of a pertinent criminal investigation or prosecution; or

(2) Where there is reasonable belief that the property is stolen or that the owner may be located; or

(3) Other good and reasonable cause.

(Ord. No. 1030, 3-9-89)

Sec. 2-136. Property custodians; appointment; records.

(a) The chief of police is authorized to appoint or designate either sworn or civilian employees of the police department to act as property custodians. The property custodians shall keep a complete record, under the direction and supervision of the chief of police, of all property and money coming into their possession under the provisions of this division. The record shall include, among other pertinent information:

(1) The name of the person delivering the property to them;

(2) The date of delivery;

(3) The name of the owner, if known; and

(4) Detailed information concerning the circumstances under which the property came into possession of the delivering party.

(Ord. No. 1030, 3-9-89)

Sec. 2-137. Property in possession of officers; disposition; report.

(a) Every member of the police department shall, within forty-eight (48) hours, deliver to the property custodians for immediate registering in the property record book all property and money coming into their possession in any manner whatever by reason of their official duties. The property custodians shall give a receipt for and retain all such property except as provided in subsection (b) of this section.

(b) In every instance in which a law enforcement officer or member of the state's attorney's office informs the property custodians that such property is required to be retained by such officer for the time being for the purpose of investigating crime or for use as evidence in the trial of a criminal case, the property custodians shall, after duly registering such property, return the property to the officer for such purpose. All property thus returned to any law enforcement officer or member of the state's attorney's office shall, after having served its purpose for investigation or as evidence, be redelivered to the property custodians who shall then give a receipt for the property.

(c) The chief of police shall file with the city manager, by the thirty-first day of July of each year, a written report, under oath, of all property sold or otherwise disposed of as of the last day in June, pursuant to this subtitle.

(Ord. No. 1030, 3-9-89)

Sec. 2-138. Custody and disposition of personal property.

(a) The police department shall maintain custody of all personal property, equipment, incidental articles, and currency which may be turned over to, found, recovered or otherwise acquired by the police department.

(b) Upon the receipt by the police department of any personal property, equipment, incidental articles, or currency which is claimed to have been found by the person turning over such property to the police department, the police department shall inform that person that he or she is entitled to request the return of the property if the owner of the property fails to claim it within three (3) months of the date that the property is turned over to the police department. An appropriate claim form will be supplied the finder.

(c) Return to owner:

- (1) If any property coming into police custody is reasonably and readily identifiable as to ownership, the department shall make every reasonable effort to ensure that the owner is notified.
- (2) Except as provided otherwise, the police property custodians shall return upon demand any property in police custody to the rightful owner on satisfactory evidence of ownership and after obtaining a proper receipt.

(d) Property held in police custody for three (3) months, or for three (3) months after notification to the purported owner, whichever is later, may be disposed of as follows:

- (1) A legal notice advising of the intent to dispose of property shall be placed in a newspaper of general circulation within the city. The notice shall provide a summary description of the nature and kind of property to be disposed of and the procedure for owners of lost or stolen property to

follow to make claim for any property which may belong to them.

- (2) In the absence of any claim by the owner, the property shall be deemed forfeited and may be returned to the finder if the finder has entered a claim as stated in subsection (b) above.
- (3) If there is no claim by an owner or finder, the property shall be deemed unclaimed and shall be transferred to the purchasing agent for action in accordance with section 2-131 of Division 1 of this article.
- (4) A handgun or automatic firearm shall not be returned to a finder but shall be subject to the provisions of section 2-139(b).

(Ord. No. 1030, 3-9-89)

Sec. 2-139. Sale or destruction of unclaimed property; proceeds.

(a) The chief of police shall transfer to the city purchasing agent all unclaimed property under this division. The purchasing agent shall reassign for use of the city or otherwise dispose of serviceable confiscated property and unclaimed property pursuant to the provisions of section 2-131 of this article.

(b) The chief of police shall provide for the destruction of all confiscated weapons or firearms and all other weapons placed in the custody of the police department if not claimed by the owner, except as provided herein. The chief of police may retain any weapons suitable for the official use of public law enforcement officers. Any weapons retained may be assigned for official use of officers of the police department or sold to another police agency. Upon the approval of the city council, weapons or firearms determined to be of special interest to collectors or otherwise determined to be suitable for reuse may be disposed of in such manner as may be authorized by the council.

(Ord. No. 1030, 3-9-89)

Secs. 2-140--2-150. Reserved.

ARTICLE VI.

BOARDS, COMMITTEES, ETC.*

* **Charter References:** Advisory planning board, § 13; employee relations board, § 12; board of elections, § 16 et seq.
Cross References: Park and recreation advisory board, § 12-16; advisory planning board, § 14-16 et seq.

DIVISION 1.

GENERALLY

Sec. 2-151. Rules of procedure.

All city boards and committees shall establish such standing rules of procedure as may be required and in the manner prescribed by the authorization which created the board or committee. In the absence of any restrictions placed upon any board or committee, each board or committee may establish such rules of

procedure as it deems necessary in order to conduct business. In the absence of any standing rule or rules governing a part or parts of proceedings, the customary rules of procedure established by approved practice in American parliamentary bodies shall be followed. It shall be the duty of the chair or presiding officer of a board or committee to decide all questions of order and procedure (subject to an appeal by any two (2) members to the members of the board or committee present), unless, when in doubt, the chair or presiding officer prefers to submit the question to the members present.
(Ord. No. 908, § 2-3, 3-23-81)

Secs. 2-152--2-160. Reserved.

DIVISION 2.

COMMUNITY RELATIONS ADVISORY BOARD

Sec. 2-161. Established.

There is hereby established a community relations advisory board.
(Code 1971, § 2-30; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-162. Membership.

(a) The community relations advisory board shall be composed of eight (8) members and shall elect from its members a chairman, vice-chairman, and such other officers as it deems necessary. One member shall be a member of the clergy. The city manager or a member of the city staff designated by the city manager shall be an ex officio, nonvoting member of the board.

(b) The members of the community relations advisory board shall be selected from the citizenry of the city and appointed by the city council to serve three-year terms of office or until a successor has been appointed. A vacancy in an unexpired term shall be filled by council by appointment for the remainder of the term. Appointments or reappointments shall be made at the discretion of the council.

(c) The members of the community relations advisory board shall not receive any compensation for their services as members of the board.

(d) Attendance criteria. Members of the community relations advisory board shall be allowed three (3) unexcused absences or five (5) total absences annually. Whenever a member of the community relations advisory board shall fail to meet the attendance criteria, the chairman may so advise the city council, which may void the appointment and appoint another person to fill the position. However, recognizing the responsibilities of members of the clergy, the clergy member of the community relations advisory board shall be exempt from the attendance criteria.
(Code 1971, §§ 2-31--2-33; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-163. Purpose.

The purpose of the community relations advisory board shall be to foster sympathetic understanding, harmonious relationships, tolerance, good-will, individual responsibility and a practical cooperation among all

groups and individuals, to the end that the city may grow and develop wholesome attitudes in respecting the individual opportunities and freedoms within the American ideals of equality and justice.
(Code 1971, § 2-34; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-164. Duties; meetings; rules of procedure.

(a) The primary function of the community relations advisory board shall be to carry on research and studies. The board shall act in an advisory capacity to the city council in carrying out its duties. It shall also be available to consider problems involving community relations and to implement the policy stated in section 2-163. The board shall submit to the city council reports of its endeavors.

(b) The board shall meet upon the request of the mayor, city council, city manager, chairman of the board, or four (4) members of the board. The board shall adopt its own rules of procedure or by-laws, and all meetings shall be held in accordance with such rules.
(Code 1971, § 2-35; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-165. Liaison with city council.

The mayor shall designate a member of the city council to serve as liaison between the city council and the community relations advisory board.
(Ord. No. 1033, 4-17-89)